1	BEFORE THE ILLINOIS COMMERCE COMMISSION									
2	ILLINOIS COMMERCE COMMISSION									
3	IN THE MATTER OF:									
4	CITIZENS UTILITY BOARD AND THE)									
5	PEOPLE OF THE STATE OF) ILLINOIS) No. 06-0379									
6	Petition to Initiate) Emergency Status Rulemaking with Notice and)									
7	Comment for Approval of) Certain Amendments to Illinois)									
8	Administrative Code Part 280.									
9	Chicago, Illinois									
LO	May 18, 2006									
L1	Met pursuant to notice at 11:00 a.m.									
L2	BEFORE:									
13	MS. CLAUDIA SAINSOT, Administrative Law Judge									
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1	APPEARANCES:							
2	MS. JANICE DALE, OFFICE OF THE ATTORNEY GENERAL							
3	100 West Randolph Street Suite 1100							
4	Chicago, Illinois 60601 (312) 814-3736							
5	Appearing for The People of the State of Illinois;							
6								
7	MR. ROBERT KELTER and MR. LARRY ROSEN							
8	208 South LaSalle Street Suite 1760							
9	Chicago, Illinois 60604 (312) 263-4282							
10	Appearing for Citizens Utility Board;							
11	MS. CARLA SCARSELLA and MS. LINDA BUELL (telephonically)							
	160 North LaSalle Street							
12	Suite C-800 Chicago, Illinois 60601							
13	(312) 793-3305 Appearing for ICC Staff;							
14	MD TOUN DOOMEN							
15	MR. JOHN ROONEY 233 South Wacker Drive Suite 7800							
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17	Appearing for Northern Illinois Gas Company d/b/a Nicor Gas;							
18								
19	MR. MICHAEL S. PABIAN 10 South Dearborn Street Suite 3500							
20	Chicago, Illinois 60603 (312) 394-5831							
21	Appearing for ComEd;							

1	MS. GRETA WEATHERSBY							
0	130 East Randolph Street							
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3	Appearing for The Peoples Gas Light & Coke							
	Company and North Shore Gas Company;							
4								
_	MS. KAREN HUIZENGA							
5 106 East Seventh Street								
6	Davenport, Iowa 52801 Appearing for MidAmerican Energy Company							
O	(telephonically);							
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	MR. EDWARD FITZHENRY							
8	1901 Soto Avenue							
0	P.O. Box 66149							
9	Mail Code 1310 St. Louis, Missouri 63166							
10	Appearing for Ameron Company							
	(telephonically);							
11								
	MR. ALAN CHERRY							
12	711 South River Road							
13	Suite 703 Des Plaines, Illinois 60016							
13	Appearing for Community Action Utility Practice							
14	(telephonically).							
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17								
Ι,								
18	SULLIVAN REPORTING COMPANY, by							
	Julia C. White, CSR							
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3	Witnesses:	Direct	cross	arrect	cross	Examin	<u>er</u>
4	None.						
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- JUDGE SAINSOT: By the authority vested in me,
- 2 I now call Docket 06-0379. It is the petition of the
- 3 Citizens Utility Board and The People of the State of
- 4 Illinois to Initiate a Rulemaking with Notice and
- 5 Comment for Approval, and it concerns Part 280 of the
- 6 Commission's rules.
- 7 Will the parties identify themselves
- 8 for the record, please.
- 9 MS. DALE: Janice Dale on behalf of The People
- 10 of the State of Illinois, Office of the Illinois
- 11 Attorney General, 100 West Randolph Street, Chicago,
- 12 Illinois 60601.
- 13 MR. KELTER: On behalf of the Citizens Utility
- 14 Board, Robert Kelter and Larry Rosen, 208 South
- 15 LaSalle, Suite 1760, Chicago 60604.
- 16 MS. SCARSELLA: On behalf of the Staff
- 17 witnesses of the Illinois Commerce Commission,
- 18 Carla Scarsella and Linda Buell, 160 North LaSalle
- 19 Street, Suite C-800, Chicago, Illinois 60601.
- 20 MR. ROONEY: On behalf of Northern Illinois Gas
- 21 Company, d/b/a Nicor Gas, John Rooney, Sonnenschein
- 22 Nath & Rosenthal, LLP, 233 South Wacker Drive,

- 1 Suite 7800, Chicago, Illinois 60606.
- 2 MR. PABIAN: On behalf of Commonwealth Edison
- 3 Company, Michael S. Pabian, 10 South Dearborn Street,
- 4 Chicago, Illinois 60603.
- 5 MS. WEATHERSBY: And on behalf of The Peoples
- 6 Gas Light & Coke Company and North Shore Gas Company,
- 7 Greta Weathersby, 130 East Randolph, Chicago,
- 8 Illinois 60601.
- JUDGE SAINSOT: Are there any appearances by
- 10 phone?
- 11 MS. HUIZENGA: Karen Huizenga appearing for
- 12 MidAmerican Energy Company, 106 East Seventh Street,
- 13 Davenport, Iowa 52801.
- 14 MR. FITZHENRY: Edward Fitzhenry for the Ameron
- 15 Company, 1901 Soto Avenue, Post Office Box 66149,
- 16 Mail Code 1310, St. Louis, Missouri, 63166-6149.
- 17 MR. CHERRY: Alan Cherry appearing for Utility
- 18 Advocacy Project (phonetic), 711 South River Road,
- 19 No. 703, Des Plaines, Illinois 60016, appearing on
- 20 behalf of Community Action Utility Practice
- 21 (phonetic). I'm the movant in one of the 280 cases
- 22 and participating in the other but is not intervened

- 1 yet.
- JUDGE SAINSOT: Are there any further
- 3 appearances?
- 4 Mr. Cherry, have you filed a petition
- 5 for leave to intervene?
- 6 MR. CHERRY: No, I have not.
- 7 JUDGE SAINSOT: Okay. But you will be filing
- 8 one?
- 9 MR. CHERRY: Yes.
- 10 JUDGE SAINSOT: Just so we're all clear, I
- 11 called this emergency status because, technically,
- 12 the Commission is supposed to act on any petition for
- 13 a rulemaking within 30 days.
- 14 So I'm going to start off with
- 15 petitions for leave to intervene. I have one -- a
- joint petition on behalf of the Peoples Gas Light &
- 17 Coke Company and North Shore Gas Company. I have a
- 18 petition on behalf of North- -- Northern Illinois Gas
- 19 Company, one on behalf of MidAmerican Energy Company,
- 20 one on behalf of Commonwealth Edison Company, one on
- 21 behalf of Central -- and this is the last one --
- 22 Central Illinois Light Company, d/b/a Ameron Soco

- 1 (phonetic) and, I believe, the Ameron Sips (phonetic)
- 2 Companies.
- 3 Are there any objections to granting
- 4 these petitions for leave to intervene?
- 5 Okay. Hearing none, they're all
- 6 granted.
- 7 Okay. I also have a motion before me
- 8 to consolidate this docket with two other dockets,
- 9 which are Docket No. 05-0237 and Docket No. 06-0202.
- 10 I took a look at the motion, and the
- 11 service list doesn't really indicate that the parties
- 12 in the other dockets have been served with that
- 13 motion. I also took a look at the e-Docket in those
- 14 two other dockets, and the motion to consolidate was
- 15 never filed in those two other dockets.
- So on that basis, I am going to deny
- 17 the motion to consolidate without prejudice. You can
- 18 refile but, certainly, the notice and opportunity to
- 19 be heard in the future should be complete.
- 20 And just so we're clear, normally,
- 21 when you consolidate cases, the oldest case takes
- 22 precedent. The oldest case, in this instance, is set

- 1 for trial in June. So there is an issue there that
- 2 if there's a motion to consolidate, you're going to
- 3 have to work around a big issue.
- 4 Okay. That being said, has anybody
- 5 talked about a discovery schedule in this docket?
- 6 MS. DALE: No, your Honor. We had discussed --
- 7 Mr. Cherry and Mr. Rosen and I had discussed having a
- 8 schedule that was similar to the one that was sent in
- 9 0202 in which Staff needed to file their testimony on
- 10 June 30th and all the testimony will be filed
- 11 July 21st, and that's as far as that schedule has
- 12 gone.
- 13 MR. ROONEY: Your Honor, on behalf of Nicor, in
- 14 this instance, frankly, we haven't -- didn't think
- 15 about scheduling it at this point given --
- 16 JUDGE SAINSOT: Right.
- 17 MR. ROONEY: -- we're on a standing motion to
- 18 consolidate. And, second of all, we do have -- we
- 19 would have some concern about consolidating the
- 20 existing 06-0202 schedule with the -- with -- what's
- 21 now being proposed in this proceeding. I guess my
- 22 recommendation is if CUB/AG were to file their

- 1 motions to consolidate, we may want to first
- 2 establish a schedule until we determine what's
- 3 consolidated at this point.
- 4 And clearly, you know, from Nicor's
- 5 standpoint, we would have substantial concerns about
- 6 consolidation with 05-0237 particularly given two
- 7 previous rulings that were made in that proceeding
- 8 regarding denial of consolidation in 06-0202 as well
- 9 as issues that were raised in the 05-0237.
- 10 So from Nicor's perspective, if the
- 11 parties are intending to refile the motion to
- 12 consolidate, it would be our proposal to determine a
- 13 schedule until we establish what's -- what's going to
- 14 be part of this docket.
- 15 JUDGE SAINSOT: I don't disagree with anything
- 16 you've said, Mr. Rooney. But, technically, I think
- 17 the rule says that I have to set a trial date and the
- 18 discovery schedule. Certainly, those things can be
- 19 modified. So I -- I understand where you're coming
- 20 from. I'm -- I'm just bound by the rule, I think, in
- 21 this case.
- MR. ROONEY: I mean, clearly, from -- from

- 1 Nicor's perspective, we have no objection to the
- 2 rulemaking going forward pursuant to, I think, the
- 3 concerns that we have in the statute. So I don't
- 4 think it's a question of -- at least certainly from
- 5 Nicor's perspective objecting to the petition. It's
- 6 more of a scheduling issue.
- 7 MR. KELTER: Well --
- MS. DALE: Well, could I respond, your Honor?
- 9 In fact, I -- I had suggested that we
- 10 adopt some schedule in 0202. That -- that's separate
- 11 from the issue of whether or not anything is going to
- 12 be consolidated. I'm just suggesting, as a start, we
- 13 could -- we could agree to have a filing of testimony
- on those days during the discovery period.
- The petition has been filed. The
- 16 ruling has been filed. The other parties in the
- 17 case -- the Utilities in the case are well-aware of
- 18 the rule because we've been discussing it for the
- 19 last year. So there's no reason that discovery
- 20 couldn't begin immediately. We're not trying to
- 21 delay any other case. I'm just suggesting, at the
- 22 beginning of the schedule, that -- that we could at

- 1 least start with before the consolidation issue
- 2 was -- was resolved.
- 3 MR. ROONEY: And --
- 4 MS. DALE: And it doesn't require
- 5 consolidation.
- 6 MR. ROONEY: And to that point, my observation
- 7 is we would object to -- we would ask for a status
- 8 for June 30th be a schedule that was established in
- 9 06-0202 as premised upon the testimony that is not as
- 10 expansive than what is being proposed in the rule
- 11 changes filed by the AG, your Honor. That's Nicor's
- 12 petition.
- MR. PABIAN: Your Honor, ComEd would echo that;
- 14 and Mr. Cherry filed his petition in March, and this
- 15 petition was filed in May; and to adopt the same
- 16 schedule, I think, would be -- we would have real
- 17 concerns about that.
- MS. SCARSELLA: And, your Honor, if I may note,
- 19 as far as I'm aware, the direct testimony has not
- 20 been filed by CUB and AG in this proceeding. So to
- 21 even proceed with discovery, we would need to see
- 22 some kind of testimony in support of their petition.

- JUDGE SAINSOT: Usually it's done the other way
- 2 around. First you see the -- first you get the
- 3 discovery and then you get the testimony. But, I
- 4 mean, whatever.
- 5 MR. CHERRY: This is the CUB's petition, but
- 6 the testimony has been before the Utilities for
- 7 probably just a month or two short of a year because
- 8 it was filed -- the 05-0237 case --
- 9 MS. SAINSOT: Mr. Cherry, you're going to need
- 10 to speak up a little bit.
- 11 MR. CHERRY: All right.
- MS. SAINSOT: We've got -- we've got fire
- 13 engines or something.
- 14 MR. CHERRY: Oh, okay. I'll try again.
- The schedule that was set in 06-0202
- 16 was also based, and would be in this case, with the
- 17 fact that the testimony of CUB and the AG and the
- 18 City was actually filed, I think, 10 or 11 months ago
- 19 and has been in front of the Utilities for that long.
- 20 JUDGE SAINSOT: You're talking about that 05
- 21 docket?
- MR. CHERRY: Right. And maybe CUB could

- 1 explain, but I think it would be the same testimony.
- 2 MR. PABIAN: Your -- your Honor, in that -- in
- 3 that docket, no where -- at no time in that docket
- 4 did the parties address the merits of that testimony
- 5 because there were -- the -- the efforts of the party
- 6 in that docket were aimed at the procedural propriety
- 7 of including the -- the issues raised by that
- 8 testimony in that docket.
- 9 So it -- it really -- at no time in
- 10 that docket were the parties focused on responding
- 11 completely to the -- to the merits of that petition.
- 12 MR. KELTER: Well --
- JUDGE SAINSOT: Well, let me ask you something:
- 14 What's the schedule like in 06-0202? Does somebody
- 15 have an opinion?
- 16 MR. ROONEY: I know at a minimum, your Honor,
- 17 it anticipates the -- the filing of direct testimony
- 18 by Staff and Intervenors on June 30th, I believe.
- 19 MR. CHERRY: A hearing on August 16th and 17th,
- 20 as I recall. I don't know if we formally set those,
- 21 but we were certainly looking at those dates, yes.
- MS. SCARSELLA: And rebuttal testimony by the

- 1 petitioner in that docket is due the 21st of July.
- 2 MR. CHERRY: Correct.
- 3 MR. KELTER: Your Honor --
- 4 MR. CHERRY: The formal -- on the record -- the
- 5 last -- or off the record -- the hearing -- we
- 6 discussed those dates that somebody just mentioned.
- 7 MR. KELTER: Your Honor, can I just --
- 8 MR. CHERRY: The August dates.
- 9 MR. KELTER: Can I just raise an issue here.
- 10 JUDGE SAINSOT: Sure.
- 11 MR. KELTER: I mean, we do have a situation
- 12 where we've got -- apparently we're going to have
- 13 three different dockets, three different rulemakings
- 14 all covering -- or at least with overlap, to some
- 15 extent, of the same rules.
- 16 So I think the schedule that -- that
- 17 the AG has discussed this morning is at least trying
- 18 to address that issue in some way. I'm not sure
- 19 what's going to happen in this case, but it seems
- 20 like we're heading for a situation where we've got
- 21 different judges and different hearings based on the
- 22 same set of rules; and I don't see how that plays

- 1 out, logically.
- 2 MR. PABIAN: Your Honor, that goes to the
- 3 merits of consolidation. I mean, if you're going to
- 4 adopt the same schedule, you're assuming -- you're
- 5 essentially assuming consolidation; and I think that
- 6 prejudges it.
- JUDGE SAINSOT: Well, not necessarily. If -- I
- 8 mean, for example, a lot of times when we do cases
- 9 with Peoples Gas and North Shore, we do the schedules
- 10 together so that it's easier for Counsel, you know.
- 11 So if you adopt the same schedule, it
- doesn't necessarily mean that the cases are identical
- 13 or the cases should be consolidated. It just may be
- 14 easier for Counsel.
- MR. KELTER: Sure.
- 16 MR. PABIAN: That's true, your Honor. But
- 17 Mr. Kelter's arguments are essentially arguments for
- 18 consolidation.
- 19 MR. KELTER: Well, what I did -- no. What -- I
- 20 didn't say we should consolidate. What I'm doing is
- 21 I'm raising an issue here that's the 1,000 pound
- 22 elephant, or whatever you want to call it, that we've

- 1 got a problem; and it seems like the time to deal
- 2 with it is now rather than at the end of the -- at
- 3 the end of two proceedings where --
- 4 JUDGE SAINSOT: Well --
- 5 MR. KELTER: -- you've got this kind of
- 6 overlap.
- JUDGE SAINSOT: You know, I -- I don't know
- 8 what to say to that. I've -- I will reiterate that I
- 9 did not -- I denied the motion to consolidate without
- 10 prejudice. But because I denied it, it's really not
- 11 before me now anymore.
- 12 So I -- I agree with you that that's
- 13 not -- it doesn't seem like a good situation, but
- 14 I -- the notice and opportunity to be heard is the
- worse situation. So, temporarily, that's off the
- 16 table.
- 17 Can you set a schedule that at least
- 18 mirrors the 06-0202? Maybe not exactly, but if
- 19 you're going to be down that road preparing testimony
- 20 about Part 280, maybe it makes sense to get it done a
- 21 little later than the 06-0202.
- Does that make sense?

- 1 MR. KELTER: I think it makes sense because at
- 2 least the idea would be worse case scenario that the
- 3 Commission would have orders to deal with at a
- 4 similar time so that they can consider rules in a way
- 5 that where they're looking at one rule, there may be
- 6 two different orders; but on that same rule, at least
- 7 there's some way for the Commission to look at them
- 8 in a way that makes sense.
- 9 MR. ROONEY: Two points, your Honor: First of
- 10 all, the Commission has considered the issue. In
- 11 05-0237, they've entered an interim order setting the
- 12 scope of that document.
- JUDGE SAINSOT: Uh-huh.
- 14 MR. ROONEY: They were fully cognizant of the
- 15 testimony that was filed by South Austin and by the
- 16 CUB/AG and the City in -- in 05-0237.
- 17 The Commission entered an order that
- 18 said, No, that's outside the scope of what the joint
- 19 petitioners filed in that case. And so they said, Go
- 20 forward with 05-0237, which is what we're doing. In
- 21 terms of 06-0202 and -- and this current proceeding,
- 22 I think the issue is there was an effort to

- 1 consolidate 06-0202 with 05-0237 within the past few
- 2 weeks. That motion also was denied.
- 3 So now what we're presented with --
- 4 and -- and Nicor's opinion in this proceeding is that
- 5 05-0237 is on track and can do its own thing and
- 6 proceed under the schedule that's currently
- 7 established.
- 8 With regards to 06-0202 and this
- 9 proceeding, Nicor doesn't have any objection if, in
- 10 fact, the parties went back to proceed to
- 11 consolidate. But if there's a consolidation, we're
- 12 going to need more time in order to respond to the
- 13 additional testimony. We agreed to a schedule with
- 14 the parties of 06-0202 based on the testimony that
- 15 was filed in that case.
- 16 And I think Staff Counsel has noted,
- 17 you know, while we have a petition, we're still -- we
- 18 think that there's going to be an oppor- -- pardon
- 19 me. Nicor is going to need more opportunity to
- 20 present testimony that encompasses not only the
- 21 06- -- whatever is being proposed in this proceeding.
- 22 So I think the Commission has to --

- 1 has understood the issue, and they decided to go a
- 2 different direction. And I can provide you with a
- 3 copy of the interim order, if you'd like it; and I'll
- 4 send a transcript available from the other hearing.
- 5 JUDGE SAINSOT: I -- I think it's perfectly
- 6 reasonable to ask for more time. There's no deadline
- 7 on a rulemaking. So there's nothing wrong with
- 8 asking for more time.
- 9 So I'm going to leave you alone for a
- 10 few minutes, and I'm sure you all can find something
- 11 that you can live with; but I think the rule requires
- 12 setting a trial date. It doesn't say a permanent
- 13 trial date. It just says a trial date.
- 14 MR. ROONEY: Thanks, your Honor.
- 15 (Whereupon, a recess was taken.)
- 16 MS. DALE: All right. We've come up with a
- 17 brief schedule, your Honor.
- 18 JUDGE SAINSOT: Okay.
- 19 MS. DALE: We would propose that we would serve
- 20 our testimony in this case either today or tomorrow,
- 21 and that --
- JUDGE SAINSOT: CUB and AG?

- 1 MR. KELTER: We'll serve it tomorrow.
- MS. DALE: Tomorrow, okay. So that will be
- 3 5/20. The Staff and Intervenors will have until --
- 4 MR. PABIAN: 5/19. Today's the --
- 5 MR. ROONEY: Yeah, tomorrow is 19.
- 6 MS. DALE: 19th? I'm sorry.
- 7 And Intervenors and Staff would have
- 8 until the 19th of July to respond, and then we would
- 9 ask for four weeks on our rebuttal.
- 10 JUDGE SAINSOT: So you're talking about
- 11 August 19th, roughly?
- MS. DALE: Uh-huh.
- MR. ROONEY: August 16th.
- 14 JUDGE SAINSOT: August 16th?
- MS. DALE: That's fine.
- MR. ROONEY: And then we'd ask for, your Honor,
- 17 three weeks after that point before our hearing date
- 18 was scheduled.
- 19 JUDGE SAINSOT: So early September?
- 20 MR. ROONEY: Right, and anytime after
- 21 September 6th.
- MR. PABIAN: Right. And, your Honor, this is

- 1 contingent on the parties agreeing to a 14-day
- 2 turnaround on discovery requests -- or data requests
- 3 as opposed to the --
- 4 JUDGE SAINSOT: Right. So a 14-day turnaround
- 5 on all discovery except for prefiled testimony, which
- 6 technically is discovery at this point.
- 7 MS. DALE: And then -- I'm sorry. John, did
- 8 you -- you suggested that we wait three weeks before
- 9 we set?
- 10 MR. ROONEY: No, I'm saying we can set a trial
- 11 date now.
- MS. DALE: Oh, okay.
- 13 MR. ROONEY: I'm just saying three weeks to the
- 14 extent that we want to come back with discovery and
- 15 rebuttal testimony.
- MS. DALE: Okay.
- 17 MR. ROONEY: And I think -- so anytime after
- 18 September 6th.
- 19 JUDGE SAINSOT: How about September 12th? Does
- 20 that work? September 12th then?
- MR. ROONEY: That's fine.
- MR. KELTER: Two weeks for hearings?

- JUDGE SAINSOT: Oh, how many days? Two weeks?
- 2 MR. PABIAN: Two weeks.
- 3 MS. DALE: A week.
- 4 JUDGE SAINSOT: A week.
- 5 MR. KELTER: A little -- little legal humor.
- 6 JUDGE SAINSOT: How long do you need for -- for
- 7 the actual trial?
- 8 MR. KELTER: Three days.
- 9 MS. DALE: Three days.
- 10 MR. ROONEY: I reserve three days.
- MS. SCARSELLA: Yeah, three days.
- MR. KELTER: As the case goes on, if the
- 13 parties feel that three days is too short, we can
- 14 come; and if we feel it's too long, we can just
- 15 finish early.
- JUDGE SAINSOT: Well, I'll tell you, I -- if
- 17 this case doesn't get consolidated with Judge
- 18 Hilliard's case, I will probably be out of town that
- 19 Friday. So if it goes longer than three days, you're
- just going to have to do it the next week.
- MR. KELTER: That's fine.
- MR. ROONEY: I'm certainly hoping it doesn't.

- 1 MR. KELTER: Yeah.
- JUDGE SAINSOT: So the trial date will be
- 3 Tuesday, September 12th, Wednesday, September 13th
- 4 and Thursday, September 14th?
- 5 MS. DALE: Right.
- 6 MR. ROONEY: Right.
- 7 JUDGE SAINSOT: Okay.
- 8 MR. KELTER: The only thing I would suggest is
- 9 why don't we start at 9:00 or 9:30 on the -- on the
- 10 12th, unless there are --
- MR. ROONEY: Whatever the pleasure of the judge
- 12 is fine.
- JUDGE SAINSOT: 9:30?
- 14 MR. KELTER: It seems like -- it seems like the
- 15 first day it takes a while to get going. So give
- 16 our- -- let's give ourselves sort of a full day that
- 17 first day.
- JUDGE SAINSOT: Okay. So September 12th, we'll
- 19 start at 9:30. You really should have a status date
- 20 before the --
- MS. DALE: Yes.
- JUDGE SAINSOT: -- trial.

- 1 How about September 7th or -- let's do
- 2 it a little before that.
- 3 September 6th?
- 4 MR. ROONEY: Sure.
- 5 MR. PABIAN: Okay.
- JUDGE SAINSOT: At 11:00, status.
- 7 At that time, any pretrial motions or
- 8 anything like that will be filed two to three days
- 9 ahead of time.
- 10 MR. KELTER: Sorry, Judge. You said 11:00?
- 11 MS. DALE: Uh-huh.
- 12 JUDGE SAINSOT: Right, 11:00.
- 13 All right. Is there anything else we
- 14 need to discuss?
- MS. DALE: Just for the record, your Honor, I
- 16 did speak to Counsel for parties here today; and it
- 17 appears People weren't served. I want to apologize
- on behalf of the AG that not everybody got served.
- 19 It appears People did get served but not in the other
- 20 -- in this docket but not in the other dockets so
- 21 that they do have notice of the motion, but we will
- 22 file it again properly.

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JUDGE SAINSOT: Well, yeah. The parties to the
1
     other dockets need to know that -- what's going on,
2
     as well. It affects them just as much as it affects
3
4
     the People in this docket.
          MS. DALE: And I apologize for that. We
5
6
     thought everyone had been served in all dockets.
7
          JUDGE SAINSOT: Well, we'll just go forward.
                    Okay. Anything further.
8
          MR. PABIAN: No, your Honor.
9
10
          JUDGE SAINSOT: Okay. Thanks.
11
                          (Whereupon, the above-entitled
                           matter was continued to
12
                           September 6, 2006,
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14
                           at 11:00 a.m.)
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